

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**LEWIS OWENS,  
Plaintiff,**

**v.**

**M. LESTER, et al.,  
Defendants.**

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**Civil Action No. 7:19cv00297**

**MEMORANDUM OPINION**

**By: Michael F. Urbanski  
Chief United States District Judge**

Plaintiff Lewis Owens, a Virginia inmate proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983. On July 26, 2019, defendants filed a motion for summary judgment and, on July 29, 2019, the court issued a notice pursuant to Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 2005). See ECF Nos. 70 and 73. The notice gave Owens twenty-one days to file a response to the motion and advised him that, if he did not respond, the court would “assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant[s] state[] in their responsive pleading(s).” See ECF No. 73. The notice further advised Owens that, if he wished to continue with the case, it was “necessary that Plaintiff respond in an appropriate fashion,” and that if he failed to file some response within the time allotted, the court “may dismiss the case for failure to prosecute.” Id. Owens did not respond. Therefore, the court will dismiss Owens’ complaint without prejudice for failure to prosecute.

**ENTER:** This 25<sup>th</sup> day of August, 2019.

*/s/ Michael F. Urbanski*  
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Chief United States District Judge